



Covered Electronic Waste Recycling Program

RULEMAKING INFORMAL WORKSHOP

FINALIZING EMERGENCY RULES AND MODIFYING OTHER
PORTIONS OF TITLE 14 CCR, DIVISION 7, CHAPTER 8.2

December 20, 2016

TODAY'S TOPICS

- Brief History of Rulemaking for the EWRA
- Overview of Today's Discussion
- Detailed Examination of Proposed Rules
- Next Steps

RULEMAKING HISTORY

■ SB 20 – Electronic Waste Recycling Act of 2003

- Initial rulemaking conducted April 2004 – Emergency rules

■ SB 50 – Amendments and Fixes 2004

- Conforming rulemaking Nov 2004 – Emergency rules
- Set stage for program initiation Jan 2005

■ Initial Final Rules Adopted 2006

- Addressed designations and source anonymous, among other details

RULEMAKING HISTORY

■ 2008 – Payment Rates and Fee Levels

■ Payment Rates reduced from 48 cents to 39 cents

- Changes enacted via print-only filing
- Effective July 2008

■ Fee Level increased \$6, \$8, \$10 to \$8, \$16, \$25

- Changes made through emergency rules
- Effective Jan 1, 2009

RULEMAKING HISTORY

■ 2010 – Fee Levels

- Fee Level decreased \$8, \$16, \$25 back to \$6, \$8, \$10
 - Changes made through emergency rules
 - Effective Jan 1, 2011

■ 2012 – Fee Levels

- Fee Level decreased \$6, \$8, \$10 to \$3, \$4, \$5
 - Changes made through emergency rules
 - Effective Jan 1, 2013

RULEMAKING HISTORY

- 2012 – Budget Act gave Administrative Liability Authority
 - Section 100 rule change added to Prohibited Activities
- 2014 – Payment Rates and Fee Levels
 - Payment Rates increased from 39 cents to 44 cents
 - Changes enacted via print-only filing
 - Effective July 2014
 - Fee Level maintained at \$3, \$4, \$5
 - Re-adoption made through emergency rules

RULEMAKING HISTORY

■ 2015

■ Emergency rules adopted August

- Applicable to Treatment Residual and CRT disposition
- Two-year lifespan

■ Emergency rules adopted October

- Applicable to Administrative Civil Penalties
- Two-year lifespan

RULEMAKING HISTORY

■ 2016 – Payment Rates and Fee Levels

■ Payment Rates increased from 44 cents to 49 cents

- Changes enacted via print-only filing
- Effective July 2016

■ Fee Level increased to \$5, \$6, \$7

- Changes made through emergency rules
- Effective Jan 1, 2017

RULEMAKING HISTORY

- 2016 – Designated Approved Collectors
 - Item heard at December Public Monthly
 - Intends to clarify responsibilities in the designation provision
 - If approved, filing with OAL in January 2017
 - Emergency rule with two-year lifespan

OVERVIEW OF TODAY'S TOPIC AREAS

■ General Clean-up

- and/or, end-use destination, typos
- Appeal Processes

■ Definitions

■ Applicability and Limitations

■ Document Submittal

OVERVIEW OF TODAY'S TOPIC AREAS

- Recordkeeping
- Applications, Approval Terms, Renewals
- Prohibited Activities
- Changes in Approved Applications
- Requirement for Recyclers
- Residual Management...

OVERVIEW OF TODAY'S TOPIC AREAS

■ Residual Management – Claim Content

- Shipping Requirements

- Certified Weights

- Documentation Access

- Cancellation Methods

■ Emergency Rules – August 2015

OVERVIEW OF TODAY'S TOPIC AREAS

■ Administrative Civil Penalties

- Statutory authority to impose civil penalties (PRC 42474) – 2012
- New rules implementing a civil liability facet to the CEW program
 - Process & procedures for CalRecycle to exercise its authority and impose civil liabilities
 - Objective: Ensure compliance and protect the integrity of the CEW program
- Emergency Rules – October 2015
- Administration – 2016

DETAILED EXAMINATION OF PROPOSED RULES

■ Please refer to posted documents:

www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=1935&aiid=1770

■ Proposed Language

■ Associated Guide

WHAT'S NEXT?

- Finalize Proposed Rules
- Prepare APA Documents
 - ISOR, Form 399, Informative Digest, etc
- Seek approval in January to file with OAL
 - Starts specified hearings and comment periods
 - Aiming to enact by late spring 2017

QUESTIONS OR COMMENTS?

- Program email ewaste@calrecycle.ca.gov

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- Subscribe to the e-waste listserv at:

<http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=10>